IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 26290 of 2007(D)

PETITIONER:

P.T.JOHN, S/O.THOMAS,
PORATHUR HOUSE, P.O.ADATT, THRISSUR.

BY ADV. SRI.BABU PAUL

RESPONDENT:

THRISSUR MUNICIPAL CORPORATION
REP. BY ITS SECRETARY, THRISSUR.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATION
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.26290 OF 2007

.....

DATED THIS THE 2ND NOVEMBER, 2007

J U D G M E N T

Mr.K.B.Mohandas, Standing Counsel for the Corporation submits that as against the previous years' contract which was for a sum of Rs.27,59,757/-, the highest tender which has now been accepted by the Corporation for the present period is for Rs.42 lakhs.

2. Mr.Babu Paul, counsel for the petitioner submits that the petitioner will not be prepared to make a bid higher than Rs.42 lakhs.

3. This being the position, I am of the view that the petitioner is not entitled for discretionary relief under Article 226. The Writ Petition will stand dismissed.

4. Mr.Babu Paul now submits that during the last two months, i.e., the period after 31.8.2007, the petitioner has not been able to do any business and therefore the Corporation be directed not to recover any amount from the petitioner on the reason that he had been exhibiting advertisements during the period after 31.8.2007, when the Writ Petition was pending and on the strength of the interim orders passed by this Court. According to Mr.Babu Paul, since interim orders were being granted only for short periods, it was not possible for the petitioner to enter into any firm contract with any of his customers.

5. I find some genuineness in the grievance voiced by Mr.Babu Paul. Under these circumstances, even as I dismiss the Writ Petition declining relief, there will be a direction to the Corporation not to take any decision for recovering any amounts from the petitioner for the alleged conduct of business during the period after 31.8.2007, without granting effective opportunity to the petitioner. There will be a further direction to the Corporation to hand over the advertisement boards belonging to the petitioner, if any, which have been forcibly removed by the Corporation upon termination of the contract.

(PIUS C.KURIAKOSE, JUDGE)

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